28 U.S.C. § 1659 provides:

> **§ 1659. Stay of certain actions pending disposition of related proceedings before the United States International Trade Commission**
>
> **(a) Stay.**—In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—
>
> (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or
>
> (2) 30 days after the district court action is filed, whichever is later.
>
> **(b) Use of Commission record.**—Notwithstanding section 337(n)(1) of the Tariff Act of 1930, after dissolution of a stay under subsection (a), the record of the proceeding before the United States International Trade Commission shall be transmitted to the district court and shall be admissible in the civil action, subject to such protective order as the district court determines necessary, to the extent permitted under the Federal Rules of Evidence and the Federal Rules of Civil Procedure.

Trial Testimony of T.J. Rodgers, May 2, 1995

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Q. There came a time, T. J., when Cypress changed the position of the gates on the molds that were used in making its products from the bottom of the mold; that is, bottom-gated to the top of the mold that is top-gated?

A. Correct.

Q. Approximately when was that?

A. We began that activity in the first quarter of 1991 and then proceeded throughout 1991 and ended in the first quarter 1992.

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Q. . . . When you converted from top-gating — I'm sorry — from bottom gate doing top-gating, you did so on the advice of Counsel, correct?

A. No, I wouldn't say that I did it because the lawyers asked me to do it. The lawyers presented the situation to me in patents and the risks we were assuming with regard to patents and potential litigation, which is this, and I made the decision to change the company over to top-gating and at the approximate cost to us of million and a half dollars.

Q. You made the decision after taking advice from your lawyers, is that correct, Doctor?

A. That's true.

Q. And you took from 19 — December 1st of 1989 when you received formal notice of patents until sometime late in '91 or early '92 to make your conversion to top-gating, correct?

A. Because I was convinced at the time that the patent was invalid and that we did not infringe the patent, in particular the second, although I wanted to get safely and obviously to top-gating, I didn't see the need to push the conversion at breakneck speed. And it did take, as I testified, about a year.